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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,856	09/12/2005	Xavier Boland	71029-013	4166

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EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,856

Applicant(s)

BOLAND ET AL.

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 April 2007 has been entered.

Claim Objections

Claims 1, 8, 9 and 12 are objected to because of the following informalities: In claim 1, lines 22 and 25, use of "said U-shaped cross-section" is somewhat confusing since multiple U-shaped cross sections have been set forth. Adding ---of the arm--- after "cross-section" would add clarity. Likewise, in line 22, after "leg (15)", insertion of ---of the U-shaped cross-section of the arm" would clarify that the arm is being referenced and not the joint part. Claim 8 has like informalities. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 8, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baseotto et al (WO patent 02/34594) in view of Weber et al (WO patent 02/053421).

The patent to Baseotto discloses the invention substantially as is claimed. Baseotto discloses a wiper device (fig.4) wherein a U-shaped plastic joint part (14) is provided between and pivotally joins a connecting device (38) and U-shaped wiper arm (10). An elastic carrier element (16) couples a flexible wiper blade (24,26,28) with the connecting device. The joint part includes a resilient tongue (80) that has a portion (82) that is received into a hole (84) provided in a base of the U-shaped wiper arm (10). The joint part includes protrusions (53) that are received in recesses (46) in the connecting device to provide for the pivotal connection. Clamping members (86) extend from

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the inner legs of the U-shaped wiper arm to engage around longitudinal sides of the joint part as at (88). Such clamping members together with the legs and base of the U-shaped wiper arm will form a generally C-shaped cross section of the oscillating arm (see fig.4), at least as far as claimed.

The patent to Baseotto discloses all of the above recited subject matter with the exception of the protrusions being on the connecting device with the recesses being in the joint part and the hole for the resilient tongue being in the legs of the U-shaped arm.

The patent to Weber discloses a flat-blade type wiper device (figs.4,10). Weber discloses a wiper blade (18) with an elongated carrier (16). The carrier includes longitudinal strips (44) received in grooves of the wiper blade. A connecting device (26) is provided to pivotally couple the wiper blade with a U-shaped wiper arm (110). A plastic joint part (166) is received within the arm, is interpositioned between the arm and the connecting device and receives the connecting device substantially therein. The joint part includes a resilient tongue (204) with portion (190) that is received in a hole (200) in the wiper arm. The connecting device has cylindrical projections (42) thereon that are received in recesses (176) in the joint part.

It would have been obvious to one of skill in the art to switch the location of the protrusions and recesses on the joint part and connecting device of Baseotto, as clearly suggested by Weber, as a mere art recognized equivalent arrangement in the location of parts. Both Baseotto and Weber employ protrusions and recesses to achieve the pivotal connection. There appears no patentable significance to swapping the particular location of either. Weber clearly suggests the arrangement as claimed.

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With respect to claim 8, merely shifting the hole from the base of the U-shaped arm, as taught by Baseotto, to the side walls of the U-shaped arm appears as an obvious variation of the Baseotto/Weber teachings. To shift the location of parts where the device still functions the same would be entirely obvious to one of skill in the art. It would have been obvious to one of skill in the art to shift the location of the tongue and associated hole to the side walls of the U-shaped arm to inhibit rain or debris from passing down through the wiper arm. Whether one tongue or multiple tongues are provided appears as a duplication of parts with the expected increase in the security of the connection.

Response to Arguments

Applicant's arguments with respect to claims 1, 8, 9 and 12 have been considered but are moot in view of the new ground(s) of rejection.

As set forth above, the portion (86) of Baseotto that extends inwardly from the legs of the U-shaped arm (10, fig. 4) acts as a clamping member that engages around and beneath the joint part and contacts such at portion (88). Such members will form a generally C-shaped cross section when combined with the U-shaped arm, especially in the area where the members engage beneath the joint part and contact the joint part at wall (88).

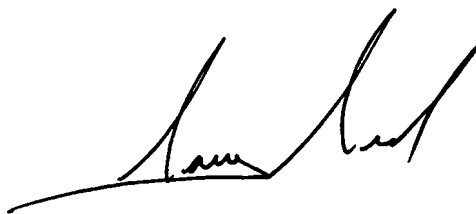
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary K. Graham', is written over a horizontal line.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
04 June 2007